



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,389	10/04/1999	ADAM BILLYARD	1263.1152	8249

5514 7590 02/07/2005

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

VO, CLIFF N

ART UNIT	PAPER NUMBER
----------	--------------

2671

DATE MAILED: 02/07/2005

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/411,389

Applicant(s)

BILLYARD ET AL.

Examiner

CLIFF N VO

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14, 16-20, 22-24, 26 and 28-47 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 30-36, 38, 42, 43, 46 and 47 is/are allowed.  
6) ☒ Claim(s) 1-6, 8-12, 18, 19, 22-24, 26, 37, 39-41, 44 and 45 is/are rejected.  
7) ☒ Claim(s) 7, 13, 14, 16, 17, 20 and 28-29 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

Art Unit: 2671

### **DETAILED ACTION**

1. Applicant is advised that the Notice of Allowance mailed is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

2. The indicated allowability of claims 1-6, 8-12, 18-19, 22-24, 26, 28-29, 37, 39-41, 44-45 is withdrawn in view of the newly discovered reference(s) to The Atlantic Online, "Atlantic Unbound/WEB CITATIONS." Rejections based on the newly cited reference(s) follow.

3. This Office action is in response to the Supplemental Preliminary Amendment filed 2/27/2003 which has been entered into the record of file.

#### ***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 2/27/2003 has been received and placed in the record of file.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2671

6. Claims 1-6, 8-12, 18-19, 22-23, 37, 39-40 and 44-45 are rejected under 35 U.S.C. 102(b) as being clear anticipated by the submitted prior art, The Atlantic Online, "Atlantic Unbound/WEB CITTATIIONS."

As per independent claim 1, The Atlantic Online teaches a system for playing computer game, comprising a plurality of player apparatus (user's home computer) for the input of user instructions (page 1, lines 28-40) and at least one game processing apparatus (page 1, "Internet Chess Club Network") storing data defining a 3D game environment ((page 1, the top figure shows a 3D chess game which has a plurality of 3D objects, i.e., chess pieces, which can be moved by dragging them which is equivalent to 3D game environment), wherein the player apparatus and the game apparatus are connected and information is transferred to enable each player to view the status of the 3D game environment and to control one or more objects (chess piece) therein (page 1, lines 28-42 and page 2, line 1), and wherein the system further comprises broadcasting means for broadcasting data defining at least one view of the 3D game environment for receipt by a plurality of observers (page 2, lines 8-19).

As per dependent claim 2, The Atlantic Online further teaches wherein there is a game processing apparatus having the form of a server (page 1, "ICC") to which each player apparatus is connected (page 1, lines 18-23), and wherein object control signals are sent from the player apparatus to the game processing apparatus (page 1, line 30 through page 2, line 1), and information defining the status of the game environment is sent from the game processing apparatus to the player apparatus (page 1, "Seek Graph", lines 23-30).

Art Unit: 2671

As per dependent claim 3, The Atlantic Online further teaches wherein each player apparatus sends information to the other player apparatus defining changes made to the game environment by the player at the apparatus which sends the information (page 2, lines 1-5, i.e., "draw offers" sent from the player apparatus).

As per claim 4, The Atlantic Online teaches a method of operating a computer graphics system to effect a computer game including a plurality of users (page 1, lines 21-24) comprising a step of transferring information between the player apparatus (user's home computer) and the game processing apparatus (page 1, "Internet Chess Club network") to enable each player to view the status of the 3D game environment and to control one or more objects (chess pieces) therein (page 1, lines 28-42 and page 2, line 1) and a step of broadcasting data defining at least one view of the 3D game environment (page 1, the top figure shows a 3D chess game which has a plurality of 3D objects, i.e., chess pieces, which can be moved by dragging them which is equivalent to 3D game environment as now claimed) for receipt by a plurality of observers to enable the observers to view the game (page 2, lines 8-19).

Claim 5 recites a method which is performed by the system claimed in claim 2; therefore, it is rejected with the same reasons as set forth in claim 2.

Claim 6 recites a method which is performed by the system claimed in claim 3; therefore, it is rejected with the same reasons as set forth in claim 3.

Art Unit: 2671

As per dependent claim 8, The Atlantic Online further teaches wherein the broadcasting step includes broadcasting on a channel defined at least in part by a communication network (page 1, lines 18-23, i.e., "internet")

As per dependent claim 9, The Atlantic Online further teaches wherein the broadcasting step includes broadcasting on a channel defined at least in part by the Internet (page 1, lines 18-23).

As per dependent claim 10, The Atlantic Online further teaches wherein the broadcasting step includes broadcasting in substantially real time as the computer game is played (page 2, lines 8-11, i.e., "any time").

Claim 11 is similar to claim 4, The Atlantic Online computer system would have inherently included a storage such as a hard drive for storing data defining a 3D game environment and further teaches a step of amending stored data in dependence upon player control of objects in the game environment (page 2, lines 1-8).

As per dependent claim 12, The Atlantic Online further teaches a step of generating and outputting data defining change made to the game environment for receipt by each player (page 2, lines 1-5, i.e., "draw offers" sent from the player apparatus explicitly taught that the system would have generated and outputted data defining change to the game environment for receipt by each player when the "draw offers" being accepted).

Claim 18 recites a method which is performed by the system claimed in claim 11; therefore, it is rejected with the same reasons as set forth in claim 11.

As per dependent claim 19, The Atlantic Online further teaches wherein

Art Unit: 2671

data defining change made to the game environment is generated and output to each respective player (page 2, lines 1-8).

Claim 22 is similar to claim 18, The Atlantic Online computer system would have inherently included a storage medium for storing instructions for causing it to perform those steps as now claimed in claim 18.

Claim 23 is similar to claim 18, The Atlantic Online computer system would have inherently included a signal carrying instructions such as input from conventional input devices like keyboard, mouse, joy stick... for causing the computer system to perform those steps as now claimed in claim 18.

As per dependent claims 39-40, The Atlantic Online further teaches wherein the broadcast data defining at least one view of the 3D game environment is addressed to particular observers (page 1, "Seek Graph" only sent to who requests. "Seek Graph" lists (defines) all the games, and when each game is selected, the system would display a corresponding 3D chess game as shown at page 1, top figure, which has a plurality of 3D objects, i.e., chess pieces, which can be moved by dragging them which is equivalent to 3D game environment, "at least one view of the 3D game environment") including the kind of game sought by the observers (page 1, lines 33-40).

As per dependent claims 44-45, The Atlantic Online further teaches wherein the broadcast data defining at least one view of the 3D game environment is addressed to particular observers and to broadcast the broadcast data thereto (page 1, broadcast data "Seek Graph" is only sent to who requests. "Seek Graph" lists (defines) all the games, and when each game is selected, the

Art Unit: 2671

system would display a corresponding 3D chess game as shown at page 1, top figure, which has a plurality of 3D objects, i.e., chess pieces, which can be moved by dragging them which is equivalent to 3D game environment).

7. Claims 24, 26 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitchell et al (U.S. Patent No. 6,166,732).

As per independent claim 24, Mitchell et al teach a distributed object oriented multi-user domain with multimedia presentations comprising a step of receiving data defining a sequence of images of 3D computer game environment (col.2, lines 19-21, i.e., VWE includes images, video (col.1, lines 14-17); and col.8, lines 11-35) in which objects are controlled by a plurality of players (col.8, lines 58-60) and a step of broadcasting a signal conveying images of the game for receipt by a plurality of game observer apparatus (col.2, lines 55-63).

As per independent claim 26, Mitchell et al teach a distributed object oriented multi-user domain with multimedia presentations comprising a step of receiving data defining a sequence of images of 3D computer game environment (col.2, lines 19-21, i.e., VWE includes images, video (col.1, lines 14-17); and col.8, lines 11-35) in which objects are controlled by a plurality of players (col.8, lines 58-60) and a step of recording, either directly or indirectly, data defining images of the game on the storage device (col.col.8, lines 60-65, i.e., "updated") for distribution to a plurality of game observers (col.8, lines 52-55).



Art Unit: 2671

As per dependent claim 41, Mitchell et al further teach wherein the broadcast data defining at least one view of the 3D game environment is addressed to particular observers (col.2, lines 55-63).

***Allowable Subject Matter***

8. Claims 30-36, 38, 42-43 and 46-47 allowed.

9. Claims 7, 13-14, 16-17, 20 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

a. The reference of Mallart et al (U.S. Patent No. 6,697,869) is cited because it shows an emulation of streaming over the internet in a broadcast application.

b. The reference of MacNaughton et al (U.S. Patent No. 6,433,795) is cited because it shows a system for integrating an on line service community with a foreign service.

c. The reference of Deering et al (U.S. Patent No. 6,753,870) is cited because it shows a graphics system configured to switched between multiple sample buffer contexts.

Art Unit: 2671

\*11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLIFF N VO whose telephone number is 703-305-9594. The examiner can normally be reached on 2nd Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MARK K ZIMMERMAN can be reached on 703-305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/14/2004  
Cliff Vo



MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600